Montana Department of Natural Resources and Conservation
Water Resources Division
Water Rights Bureau

ENVIRONMENTAL ASSESSMENT
For Routine Actions with Limited Environmental Impact

Part I. Proposed Action Description

1. Applicant/Contact name and address:

Applicant	Contact
Five Valleys Land Trust	Meg Casey, Trout Unlimited
P.O. Box 8953	321 E Main Street, Ste. 411
Missoula, Montana 59807	Bozeman, Montana 59715

2. Type of action: Application to Change Water Right No. 76E 30111148

3. Water source name: Rock Creek, tributary to Clark Fork River

4. Location affected by project: Rock Creek from the historic point of diversion in the SWSENE of Section 13, T11N R17W to the confluence of Rock Creek and the Clark Fork River in Missoula County.

5. Narrative summary of the proposed project, purpose, action to be taken, and benefits:

On July 21st, 2017, Five Valleys Land Trust (Applicant) submitted Application to Change Water Right No. 76E 30111148 to temporarily change the purpose of Statement of Claim No. 76E 4890-00 from irrigation of the historic 120-acre place of use to instream flow for the benefit of the fishery resource in Rock Creek. The point of diversion for Claim 76E 4890-00 consists of a headgate located in the SWSENE of Section 13, T11N R17W, Missoula County. The period of use for this claim is April 15th to October 19th. This proposed change results in the retirement of all irrigation on the place of use and a temporary instream appropriation of 15 cubic feet per second (CFS) up to the historically diverted volume in Rock Creek from August 1st to September 30th. The protected reach for instream flow comprises the lowest 2.25 miles of Rock Creek from the historic point of diversion to the confluence of Rock Creek and the Clark Fork River. The total volume permissible for this beneficial use cannot exceed the historically diverted volume of 471.8 acre-feet (AF) from the beginning of the protected reach to the point where return flows accrete back to Rock Creek approximately in the NENE of Section 13, T11N R17W. Below the point where return flows accrete in Rock Creek, the Applicant may protect up to the historically consumed volume of 160.1 AF. It is not expected that this change will result in an enlargement of Claim 76E 4890-00.

6. Agencies consulted during preparation of the Environmental Assessment (including agencies with overlapping jurisdiction):

Montana Natural Heritage Program	Species of Concern
Montana Department of Fish, Wildlife and Parks	2005 Dewatered Stream List
Montana Department of Environmental Quality	303(d) list of impaired streams
USDA Natural Resources Conservation Service	Web Soil Survey

Part II: Environmental Review

1. Environmental Impact Checklist:

PHYSICAL ENVIRONMENT

WATER QUANTITY, QUALITY AND DISTRIBUTION

Water quantity *- Assess whether the source of supply is identified as a chronically or periodically dewatered stream by DFWP. Assess whether the proposed use will worsen the already dewatered condition.*

The Montana DFWP does not list Rock Creek as a dewatered stream. DFWP has several junior instream water rights in the proposed protected reach that reflect established streamflow benchmarks to ensure minimum flows necessary to sustain wild trout recruitment, rearing, and resident trout habitat in lower Rock Creek. Below these benchmarks both adult and juvenile fish are crowded into pools with diminishing depth, and streamside cover becomes more vulnerable to predation or winter mortality. The amount of water requested for instream flow protection in this application is intended to augment streamflows in the late summer months when flows are their lowest, temperature is highest, and DFWP water rights fall out of priority, and will not negatively impact the stream by way of dewatering.

Determination: No negative impact.

Water quality *- Assess whether the stream is listed as water quality impaired or threatened by DEQ, and whether the proposed project will affect water quality.*

The proposed project will not alter and/or adversely affect water quality in Rock Creek. The purpose of the project is to leave water instream for the benefit of the fishery resource and aquatic ecosystem. Flow maintenance resulting from this change in water use will help provide better habitat for aquatic species.

Determination: No negative impact.

Groundwater *- Assess if the proposed project impacts ground water quality or supply.*
If this is a groundwater appropriation, assess if it could impact adjacent surface water flows.

Determination: N/A as this change in water use does not involve groundwater.

DIVERSION WORKS *- Assess whether the means of diversion, construction and operation of the appropriation works of the proposed project will impact any of the following: channel impacts, flow modifications, barriers, riparian areas, dams, well construction.*

To exercise the instream portion of this right, no new means of diversion or conveyance are needed, and all existing diversionary activities will be retired. The project will not negatively alter groundwater quality or quantity, therefore well construction will not be impacted. The project will result in flow modifications; however, the end result will be more water flowing in the protected reach to the benefit of aquatic life and the fishery.

Determination: No negative impact.

UNIQUE, ENDANGERED, FRAGILE OR LIMITED ENVIRONMENTAL RESOURCES

Endangered and threatened species *- Assess whether the proposed project will impact any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern," or create a barrier to the migration or movement of fish or wildlife. For groundwater, assess whether the proposed project, including impacts on adjacent surface flows, would impact any threatened or endangered species or "species of special concern."*

The Montana Natural Heritage Program was consulted to determine if there are any threatened or endangered fish, wildlife, plants or aquatic species or any "species of special concern" that could be impacted by the proposed project. The proposed application will require no site disturbances, and the instream flow water right will not result in the loss or negative alteration of any wildlife habitat.

Determination: No negative impact.

Wetlands *- Consult and assess whether the apparent wetland is a functional wetland (according to COE definitions), and whether the wetland resource would be impacted.*

Determination: Project does not negatively impact existing wetlands.

Ponds *- For ponds, consult and assess whether existing wildlife, waterfowl, or fisheries resources would be impacted.*

Determination: N/A project does not involve ponds.

GEOLOGY/SOIL QUALITY, STABILITY AND MOISTURE - *Assess whether there will be degradation of soil quality, alteration of soil stability, or moisture content. Assess whether the soils are heavy in salts that could cause saline seep.*

This proposed change will not result in any negative impact to surrounding soils.

Determination: No negative impact.

VEGETATION COVER, QUANTITY AND QUALITY/NOXIOUS WEEDS - *Assess impacts to existing vegetative cover. Assess whether the proposed project would result in the establishment or spread of noxious weeds.*

This project will not result in any ground disturbance that could allow for the spread of noxious weeds, or cause any negative change to existing vegetative cover.

Determination: No negative impact.

AIR QUALITY - *Assess whether there will be a deterioration of air quality or adverse effects on vegetation due to increased air pollutants.*

There will be no source of pollutants associated with the change in water use that will alter air quality.

Determination: No impact.

HISTORICAL AND ARCHEOLOGICAL SITES - *Assess whether there will be degradation of unique archeological or historical sites in the vicinity of the proposed project if it is on State or Federal Lands.*

There will be no construction or other activities that could degrade unique archeological or historical sites. There are no known unique archeological or historical sites in the vicinity of the proposed project.

Determination: No impact.

DEMANDS ON ENVIRONMENTAL RESOURCES OF LAND, WATER, AND ENERGY - *Assess any other impacts on environmental resources of land, water and energy not already addressed.*

None identified.

Determination: No impact.

HUMAN ENVIRONMENT

LOCALLY ADOPTED ENVIRONMENTAL PLANS AND GOALS - *Assess whether the proposed project is inconsistent with any locally adopted environmental plans and goals.*

Determination: No impact.

ACCESS TO AND QUALITY OF RECREATIONAL AND WILDERNESS ACTIVITIES - *Assess whether the proposed project will impact access to or the quality of recreational and wilderness activities.*

Determination: No impact.

HUMAN HEALTH - *Assess whether the proposed project impacts human health.*

Determination: No negative impact.

PRIVATE PROPERTY - *Assess whether there are any government regulatory impacts on private property rights.*

Yes___ No _X_ If yes, analyze any alternatives considered that could reduce, minimize, or eliminate the regulation of private property rights.

Determination: No impact.

OTHER HUMAN ENVIRONMENTAL ISSUES – *For routine actions of limited environmental impact, the following may be addressed in a checklist fashion.*

1. Impacts on:

(a) Cultural uniqueness and diversity? None identified.

(*b) Local and state tax base and tax revenues?* None identified.

(c) *Existing land uses?* None identified.

(*d)* *Quantity and distribution of employment?* None identified.

(e) *Distribution and density of population and housing?* None identified.

(f) *Demands for government services?* None identified.

(g) *Industrial and commercial activity?* None identified.

(h) *Utilities?* None identified.

(i) *Transportation?* None identified.

(j) *Safety?* None identified.

2. ***Secondary and cumulative impacts on the physical environment and human population:***

Secondary Impacts None identified.

Cumulative Impacts None identified.

3. ***Describe any mitigation/stipulation measures:***

No reasonable alternatives were identified in the EA.

Part III. Conclusion

1. ***Preferred Alternative:*** None identified.

2. ***Comments and Responses***

3. ***Finding:***
Yes___ No _X_ Based on the significance criteria evaluated in this EA, is an EIS required?

If an EIS is not required, explain why the EA is the appropriate level of analysis for this proposed action:

An EIS is not the appropriate level of analysis for the proposed action because no significant impacts were identified.

Name of person(s) responsible for preparation of EA:

Name: Danika Holmes
Title: Hydrologist/Water Resource Specialist
Date: July 25th, 2018